

BEFORE THE
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LYNN MARIE FARNEY
30990 Avenida del Reposo
Temecula, CA 92591

Occupational Therapist License No. OT
2989

Respondent.

Case No. OT2005-179

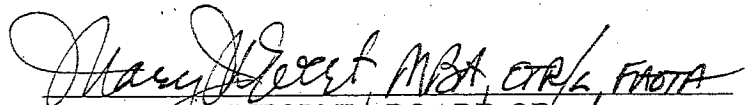
OAH No. 2010031041

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 11, 2010.

It is so ORDERED October 12, 2010.


FOR THE CALIFORNIA BOARD OF
OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

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9 **BEFORE THE**
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. OT2005-179

12 **LYNN MARIE FARNEY**
13 **30990 Avenida del Reposo**
14 **Temecula, CA 92591**

OAH No. 2010031041

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Occupational Therapist License No. OT**
16 **2989**

17 Respondent.

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19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the California Board of Occupational Therapy of the Department
21 of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
22 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
23 disposition of the Accusation.

24 **PARTIES**

25 1. Heather Martin (Complainant) is the Executive Officer of the California Board of
26 Occupational Therapy. She brought this action solely in her official capacity and is represented
27 in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Diane De
28 Kervor, Deputy Attorney General.

2. Respondent Lynn Marie Farney (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about December 9, 2003, the California Board of Occupational Therapy issued Occupational Therapist License No. OT 2989 to Lynn Marie Farney (Respondent). The Occupational Therapist License was in full force and effect at all times relevant to the charges brought in Accusation No. OT2005-179 and will expire on May 31, 2011, unless renewed.

JURISDICTION

4. Accusation No. OT2005-179 was filed before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 13, 2009. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. OT2005-179 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. OT2005-179. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Occupational Therapist License No. OT 2989 issued to
9 Respondent Lynn Marie Farney (Respondent) is revoked. However, the revocation is stayed and
10 Respondent is placed on probation for three (3) years on the following terms and conditions.

11 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and
12 regulations governing the practice of occupational therapy in California. Respondent shall
13 submit, in writing, a full detailed account of any and all violations of the law to the Board within
14 five (5) days of occurrence.

15 2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully
16 comply with the terms and conditions of probation established by the Board and shall cooperate
17 with representatives of the Board in its monitoring and investigation of the respondent's
18 compliance with probation. Respondent, within ten (10) days of completion of the quarter, shall
19 submit quarterly written reports to the Board on a Quarterly Report of Compliance form obtained
20 from the Board.

21 3. **Personal Appearances.** Upon reasonable notice by the Board, respondent shall
22 report to and make personal appearances at times and locations as the Board may direct.

23 4. **Notification of Address and Telephone Number Change(s).**

24 Respondent shall notify the Board, in writing, within five (5) days of a change of residence
25 or mailing address, of her new address and any change in work and/or home telephone numbers.

26 5. **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**

27 In the event respondent should leave California to reside or to practice outside the State for
28 more than thirty (30) days, respondent shall notify the Board or its designee in writing within ten

1 (10) days of the dates of departure and return. All provisions of probation other than the quarterly
2 report requirements, examination requirements, and education requirements, shall be held in
3 abeyance until respondent resumes practice in California. All provisions of probation shall
4 recommence on the effective date of resumption of practice in California.

5 **6. Notification to Employer(s).** When currently employed or applying for employment
6 in any capacity in any health care profession, Respondent shall notify her employer of the
7 probationary status of respondent's license. This notification to the current employer shall occur
8 no later than the effective date of the Decision. Respondent shall notify any prospective health
9 care employer of her probationary status with the Board prior to accepting such employment.
10 This notification shall be made by providing the employer or prospective employer with a copy of
11 the Board's Accusation and Stipulated Settlement and Disciplinary Decision and Order.

12 Respondent shall cause each health care employer to submit quarterly reports to the Board.
13 The reports shall be on a form provided by the Board, shall include a performance evaluation and
14 such other information as may be required by the Board.

15 Respondent shall notify the Board, in writing, within five (5) days of any change in
16 employment status. Respondent shall notify the Board, in writing, within five (5) days if she is
17 terminated from any occupational therapy or health care related employment with a full
18 explanation of the circumstances surrounding the termination.

19 **7. Employment Requirements and Limitations.** During probation, respondent shall
20 work in her licensed capacity in the State of California. This practice shall consist of no less than
21 (6) continuous months and of no less than twenty (20) hours per week.

22 While on probation, respondent shall not work for a registry or in any private duty position,
23 except as approved, in writing, by the Board. Respondent shall work only on a regularly
24 assigned, identified, and pre-determined work site(s) and shall not work in a float capacity except
25 as approved, in writing, by the Board.

26 **8. Supervision Requirements.** Respondent shall obtain prior approval from the Board,
27 before commencing any employment, regarding the level of supervision provided to the
28 respondent while employed as an occupational therapist.

Respondent shall not function as a supervisor during the period of probation except as approved, in writing, by the Board.

9. **Continuing Education Requirements.** Respondent shall complete continuing education in the areas of Documentation for three (3) hours and Law and Ethics for nine (9) hours. Such continuing education shall be completed within one (1) year of the effective date of the Decision.

The continuing education shall be in addition to the professional development activities required for license renewal.

Within thirty (30) days of the effective date of the Decision, Respondent shall submit a written plan to comply with this requirement. The proposed plan shall include the name or title of the course, a course description or syllabus, and identify the provider. A Board representative shall approve such plan prior to enrollment in any course of study.

Failure to satisfactorily complete the required continuing education as scheduled shall constitute a violation of probation. Respondent is responsible for all costs of such continuing education. Upon successful completion of the course work, Respondent shall send the original certificate(s) of completion to the Board within thirty (30) days of completion of the course(s). Respondent shall send the original certificate(s) to the Board by certified mail, return receipt requested.

10. **Maintenance of Valid License.** Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which license is suspended or probation is tolled.

11. **Cost Recovery Requirements.** Respondent shall pay the Board \$4,263.19 as and for the reasonable costs of the investigation and prosecution in this matter pursuant to Business and Professions Code section 125.3. Respondent shall be permitted to pay these costs in a payment plan approved by a Board representative, with payments to be completed no later than four (4) months prior to the end of the probation term.

Any order for payment of cost recovery shall remain in effect whether probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery

1 not be paid in accordance with an established payment schedule, Respondent shall be considered
2 to be in violation of probation. A period of non-practice shall not relieve Respondent the
3 obligation to reimburse the Board for its costs.

4 Respondent shall reimburse the Board in the form of a check, money order, or cashier's
5 check made payable to the California Board of Occupational Therapy or CBOT, and shall
6 indicate on the check or money order that is the cost recovery payment for Case No. OT2005-
7 179.

8 12. **Violation of Probation.** If respondent violates probation in any respect, the
9 Board, after giving respondent notice and opportunity to be heard, may revoke probation and
10 carry out the disciplinary order which was stayed. If an accusation or a petition to revoke
11 probation is filed against respondent during probation, the Board shall have continuing
12 jurisdiction until the matter is final, and the period of probation shall be extended until the matter
13 is final.

14 13. **Completion of Probation.** Upon successful completion of probation,
15 respondent's license will be fully restored.

16 14. **Petition for Modification or Early Termination of Probation.** Respondent
17 waives her right to Petition for Modification of Probation and Early Termination of Probation.

18 15. **Chemical Dependency Support/Recovery Groups.** Within five (5) days of the
19 effective date of the Decision, respondent shall begin weekly attendance at a chemical
20 dependency support group (e.g. Alcohol Anonymous, Narcotics Anonymous). Verified
21 documentation of attendance shall be submitted for each month. The documentation must be
22 mailed to the Board within ten (10) days of the end of each month. Respondent shall continue
23 attendance in such group for the duration of probation.

24 16. **Abstain From Controlled Substances.** Respondent shall completely abstain
25 from the personal use or possession of controlled substances, as defined in the California Uniform
26 Controlled Substances Act, and dangerous drugs as defined in sections 4021 and 4022 of the
27 Business and Professions Code, except when lawfully prescribed by a health care professional
28 legally authorized to do so. and as part of documented medical treatment.

DATE:

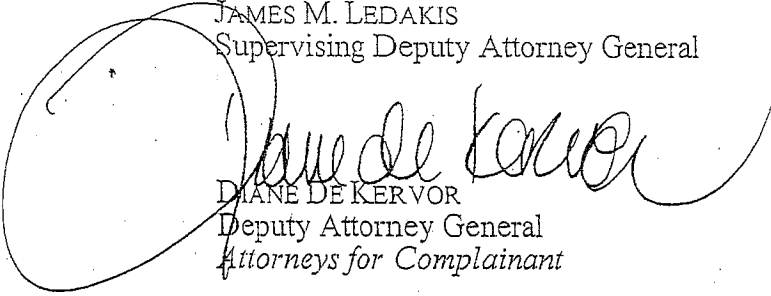
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Occupational Therapy of the Department of Consumer Affairs.

Dated: August 17, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General


DIANE DE KERVOR
Deputy Attorney General
Attorneys for Complainant

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